

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

MATTHEW AMATO,
Plaintiff,

v.

JOHNSON & WALES UNIVERSITY,
Defendant.

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C.A. No. 22-cv-_____

DEFENDANT’S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant Johnson & Wales University (the “University”) hereby notices the removal of this action from the State of Rhode Island Superior Court for Providence County (the “Providence County Superior Court”), where it is currently pending under Civil Action No. PC-2022-02388, to the United States District Court for the District of Rhode Island.

This case is removable under 28 U.S.C. § 1441(a) because the Complaint of Plaintiff Matthew Amato (“Amato”) invokes the Americans with Disabilities Act (the “ADA”), 42 U.S.C. § 12101 *et seq.*, and Title IX, 20 U.S.C. § 1681 *et seq.*, which supplies the Court with federal question jurisdiction under 28 U.S.C. § 1331.¹ See Compl., attached hereto as Exhibit A.

As grounds for removing this matter, the University states as follows:

I. TIMELINESS OF REMOVAL

Plaintiff served the University with his Complaint on June 22, 2022. See Summons, attached hereto as Exhibit B. Accordingly, the University is filing this Notice within the 30-day deadline set by 28 U.S.C. § 1446(b)(1). The Complaint attached hereto as Exhibit A and the Summons attached as Exhibit B constitute all process and pleadings served upon the University

¹ The University in no way concedes that Plaintiff has actually stated viable claims (under the ADA, Title IX, or any other theory). To the contrary, he has not.

in the Providence County Superior Court proceeding that are required to be filed in this Court under 28 U.S.C. § 1446(a).

II. VENUE

Since Plaintiff filed the Complaint with the Rhode Island Superior Court for Providence County, venue is proper in this Court because it is the “district and division embracing the place where [this] action is pending.” 28 U.S.C. § 1441(a); see 28 U.S.C. § 120 (stating that “Rhode Island constitutes one judicial district.”).

III. BASIS FOR REMOVAL: FEDERAL QUESTION JURISDICTION

The University can remove this action under 28 U.S.C. § 1441(a) because the United States District Court has original jurisdiction over this case under 28 U.S.C. § 1331, which provides that “[t]he district courts shall have original jurisdiction over all civil actions arising under the Constitution, laws, or treaties of the United States.” The Complaint alleges that the University violated the ADA and Title IX.

By alleging violations of federal law and resultant damages, Amato’s Complaint asserts a federal question under 28 U.S.C. § 1331 and is therefore removable under 28 U.S.C. § 1441(a). Accordingly, the Court has jurisdiction over this matter without regard to the amount in controversy or the citizenship of the parties.

IV. CONCLUSION

WHEREFORE, the University respectfully requests that this Honorable Court take jurisdiction over this action and issue all necessary orders and process to remove said action from the Providence County Superior Court to the United States District Court for the District of Rhode Island.

The University will file a copy of this Notice with the Clerk of the Providence County Superior Court.

Respectfully submitted,

JOHNSON & WALES UNIVERSITY,

By its Attorneys,

/s/ Matthew H. Parker

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Dated: June 27, 2022

CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2022, a copy of the foregoing document was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Matthew H. Parker